



23 DEC 2005

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In re Application of	:	
RICHARD HOWARD GREEN (deceased)	:	DECISION ON
Application No.: 10/528,613	:	
PCT No.: PCT/EP03/10930	:	PETITION
Int. Filing Date: 25 September 2003	:	
Priority Date: 27 September 2002	:	UNDER 37 CFR 1.42
Attorney Docket no.: P33118US	:	
For: PYRIDINE DERIVATIVES AS CB2	:	
RECEPTOR MODULATORS	:	

This is a decision on a submission under 37 CFR 1.42, filed in the United States Patent and Trademark Office (USPTO) on 23 August 2005 in response to a Notification of Missing Requirements.

BACKGROUND

On 12 March 2005, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

In response to the Notification of Missing Requirements mailed on 28 October 2005, and to satisfy the requirement that an oath or declaration of the inventors be furnished, applicant filed a declaration that was signed by the co-inventors and by Jennifer Margaret Doughty, as executor on behalf of deceased co-inventor Richard Howard Green. The submission was treated as a request for status under 37 CFR 1.42.

DISCUSSION

Pursuant to 37 CFR § 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor,

administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

37 CFR 1.497(a)(3) requires that the declaration identify each inventor and the country of citizenship of each inventor. 37 CFR 1.497(b)(2) requires the declaration to state the relationship of the person (under 37 CFR 1.42) making the declaration for a deceased inventor. 37 CFR 1.497(b)(2) further states that, if the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration must state that the person is a legal representative and indicate the citizenship, residency and mailing address of the legal representative. The declaration must also state the citizenship, residency and last mailing address of the deceased inventor to comply with 37 CFR 1.497(a)(3).

The declaration submitted on 23 August 2005 is executed by the joint inventors as identified in the published international application and indicates their respective citizenship, residency and mailing address. With respect to the deceased inventor, however, the declaration only identifies "Jennifer Margaret Doughty" with the added notation "executor on of the estate of Richard Howard Green". Moreover, the declaration also does not identify the country of citizenship, residency and mailing address for both the executor (legal representative) and the deceased inventor.

Thus, the declaration is unacceptable because although the declaration identifies Jennifer Margaret Doughty, as executor or legal representative for deceased inventor Richard Howard Green, it does not clearly state the country of citizenship, former residency and mailing address of both the deceased inventor and the legal representative, as required for compliance with 37 CFR 1.497. See also 37 CFR 1.64. Accordingly, it is inappropriate, at this time, to accord the application status under 37 CFR 1.42.

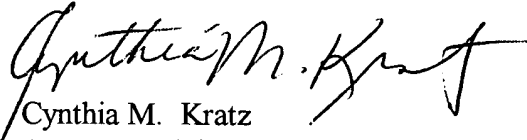
Accordingly, it is inappropriate to accord the national stage application status under 37 CFR §1.42 at this time.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **DISMISSED WITHOUT PREJUDICE**.

If reconsideration of the merits of the request for status under 37 CFR 1.42 is desired, applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 37 CFR 1.42 and 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Failure to respond will result in the abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'Cynthia M. Kratz', written in a cursive style.

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